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8 Attorneys for: BANK OF THE SIERRA, a California corporation

9 **UNITED STATES BANKRUPTCY COURT**
10 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
11 **FRESNO DIVISION**

12 * * *

13 In re
14 TULARE LOCAL HEALTHCARE
15 DISTRICT dba TULARE REGIONAL
16 MEDICAL CENTER,
17 Debtor.

Case No. 17-13797

Chapter 9

DC No.: JLG-1

**NOTICE OF MOTION FOR RELIEF
FROM THE AUTOMATIC STAY AND
FOR WAIVER OF FRBP RULE
4001(a)(3)**

18 BANK OF THE SIERRA,

19 Movant

20 vs.

21 TULARE LOCAL HEALTHCARE
22 DISTRICT dba TULARE REGIONAL
23 MEDICAL CENTER;

24 Respondent(s).

Date: February 15, 2018

Time: 9:30 a.m.

Dept: B

CtRm: 13

U.S. Courthouse
2500 Tulare Street, 5th Floor
Fresno, California 93721

Judge: Honorable René Lastreto II

25 TO THE HONORABLE RENÉ LASTRETO II, TO THE DEBTOR AND ITS
26 ATTORNEYS OF RECORD, AND TO ALL PARTIES IN INTEREST:

27 NOTICE IS HEREBY GIVEN that BANK OF THE SIERRA, a California corporation
28 (“BOTS” or “Movant”), by and through its attorneys of record, Jessica L. Giannetta of Powell

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1 Slater, LLP, has filed a motion for relief from the automatic stay and for waiver of Federal
2 Rules of Bankruptcy Procedure Rule 4001(a)(3) in the above-captioned case to obtain relief
3 from the automatic stay for all purposes against the debtor, TULARE LOCAL HEALTHCARE
4 DISTRICT dba TULARE REGIONAL MEDICAL CENTER (“Debtor”), and the entire
5 bankruptcy estate, in and to that certain deposit account (the “Account”) described as “**Money**
6 **Market Account [XXXXXX6162] with Lender with an approximate balance of**
7 **\$800,000.00** together with (A) all interest, whether now accrued or hereafter accruing; (B) all
8 additional deposits hereafter made to the Account; (C) any and all proceeds from the Account;
9 and (D) all renewals, replacements and substitutions for any of the foregoing”¹ (collectively, the
10 “Collateral”), such that Movant, or its assigns, shall be permitted to exercise its rights, pursuant
11 to non-bankruptcy law, in and to the Collateral. Movant also requests a waiver of the stay
12 provisions of Federal Rules of Bankruptcy Procedure Rule 4001(a)(3). A hearing on the motion
13 will be held before the Honorable René Lastreto II on February 15, 2018, at 9:30 a.m., in
14 Department B, Courtroom 13, of the United States Bankruptcy Court located on the fifth floor
15 of the United States Federal Building, 2500 Tulare Street, Fresno, California 93721.

16 Grounds for this motion are set forth in the motion on file with this Court, as well as any
17 and all documents submitted in support thereof and the files and papers on file with the Court
18 concerning the above-referenced matter. Movant will ask that an order for relief be entered at
19 the time of the hearing against the Debtor and the bankruptcy estate. Movant will further
20 request that the requirements of Federal Rules of Bankruptcy Procedure Rule 4001(a)(3) be
21 waived.

22 Any opposition to the granting of this Motion must be in writing and must be served and
23 filed with the Court by the responding party at least fourteen (14) days preceding the date or
24 continued date of the hearing. Any such opposition must be served on the Movant at the
25 address noted on the caption page and must also be served on those parties set forth in the
26 Certificate of Service accompanying this Motion at the addresses noted therein, which parties
27 include the debtor and debtor’s counsel, certain special notice parties, each creditor included in

28 ¹ All but the last four digits of the Account number have been redacted for privacy purposes.

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1 the list of the twenty largest unsecured creditors (as amended), and any individuals or entities
2 who have filed a request for special notice in the above-captioned matter.

3 Any opposition to this Motion must be accompanied by evidence establishing its factual
4 allegations. Without good cause, no party shall be heard in opposition to a motion at oral
5 argument if written opposition to the motion has not been timely filed. Failure of the
6 responding party to timely file written opposition may be deemed a waiver of any opposition to
7 the granting of the Motion or may result in the imposition of sanctions. Any opposition must
8 specify whether the responding party consents to the Court's resolution of disputed material
9 factual issues pursuant to Federal Rules of Civil Procedure Rule 43(c) as made applicable by
10 Federal Rules of Bankruptcy Procedure Rule 9017. If the responding party does not so consent,
11 the opposition shall include a separate statement identifying each disputed material factual issue.
12 The separate statement shall enumerate discretely each of the disputed material factual issues
13 and cite the particular portions of the record demonstrating that a factual issue is both
14 material and in dispute. Failure to file the separate statement shall be construed as consent to
15 resolution of the Motion and all disputed material factual issues pursuant to Federal Rules of
16 Civil Procedure Rule 43(c).

17 Please be advised that the failure to file timely written opposition may result in the
18 Motion being resolved without oral argument and the striking of untimely written opposition.

19 Please further be advised that you can determine whether the matter has been
20 resolved without oral argument or whether the court has issued a tentative ruling, and you
21 can view any pre-hearing dispositions by checking the Court's website at
22 www.caeb.uscourts.gov after 4:00 P.M. the day before the hearing. Parties appearing
23 telephonically must view the pre-hearing dispositions prior to the hearing.

24 Dated: January 18, 2018

POWELL SLATER, LLP

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26 By /s/ Jessica L. Giannetta
JESSICA L. GIANNETTA,
27 Attorneys for BANK OF THE SIERRA
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